

Remarks

Claims 1-23 are in the case. Claims 1-10, 14-17, and 20-23 stand rejected over Schittenhelm (3746362) in view of Dussia et al (5795028) and Herrmann (4087942). Claims 11-13 and 18-19 stand rejected under the previous combination in further view of Humphrey (4148164).

I. Argument

The Final Rejection is improper for at least the following reasons.

- Each of claims 15-21 and 23 require a trailer frame with longitudinal members, cross-members, and A-frame members. The Schittenhelm trailer frame does not have all three frame members. Rather, Schittenhelm only has two out of the three distinct types of frame members required by the claims. The Examiner has provided reference numerals found in the Schittenhelm patent that allegedly are longitudinal members and cross members, but not A-frame members and has only conclusively stated that Schittenhelm includes the A-frame members. In order for the Final Rejection to be proper, Schittenhelm must have all three frame members (as the Examiner asserted in the previous non-final rejection). If the Examiner continues to assert that Schittenhelm discloses all three types of frame members, the Examiner must provide a detailed explanation of where each of the three distinct types of frame members is shown rather than a conclusory statement. As it stands, the combination remains improper.

- Additionally, claims 15-21 and 23 require a bolted connection between frame members. However, in this case Schittenhelm expressly states only one mechanism for attaching the frame members—by welding. Column 3, lines 11-17 of Schittenhelm states:

“A rear traverse beam 14 which has a “Z”-shaped cross-section is attached, preferably by welding, onto the end of beams 11 and 12 as can be seen more

clearly in FIG. 2. A median traverse beam 15 which is also “Z”-shaped is welded to the side beams 11 and 12 in the middle section of the “A”-frame by means of corner element 24 (FIG. 3).”

Considering that (1) in a typical bolted connection, the bolt bears the burden to support and sustain the connection, and (2) trailers in some circumstances must support hundreds of pounds of weight or more and traverse over bumpy roads, the applicant asserts that one of ordinary skill in the art of trailer frames would not think to use products in the chair and door jamb art to provide a solution. The scope of the prior art is therefore the art of trailer frames, rather than the broad sweep of “frames.”

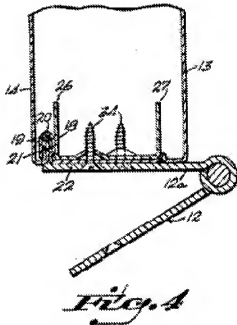
Assuming, *arguendo*, that some types of frames are bolted together, the Examiner has not shown why it is obvious to bolt together a **trailer frame**. Trailer frames need to be strong enough to withstand the rigors of supporting heavy loads over sometimes rough terrain. The instant application is similar to *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992), as described in MPEP 2141.01(a):

“Applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly “hook” which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference which disclosed a hook and eye fastener for use in garments, reasoning that all hooking problems are analogous. The court held the reference was not within the field of applicant’s endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments.”

(MPEP 2141.01(a)).

In summary, the rejection is improper because it has not been shown that a person of ordinary skill, seeking to solve a problem of bolting together trailer frames, would reasonably be expected or motivated to look to fasteners for occasional chairs and doors.

- Finally, the Examiner conclusively states that the bracket as shown in Hermann includes dimples that are in a nested relationship with those in the door frame, but has not pointed to any figure or passage from Hermann that illustrates or describes this feature. FIG. 4 from Hermann is reproduced below.



At best, only one set of “dimples” are shown, and they are not nested with anything. Even if the recesses for the screw heads could be described “dimples,” they do not nest with anything, either. Claims 21 and 23 are allowable over the cited prior art for at least this reason.

Pursuant to the foregoing, the applicant respectfully entry of this amendment and further action on the merits.

Respectfully submitted,

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